

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SB IP HOLDINGS LLC,
Plaintiff,

v.

VIVINT, INC.,
Defendant.

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Civil Action No. 4:20-cv-00886
Judge Mazzant

VERDICT OF THE JURY

In answering the following questions and completing this Verdict Form, you are to follow all the instructions I have given you in the Court's Final Jury Instructions. Your answers to each question must be **unanimous**. Some of the questions contain legal terms that are defined and explained in detail in the Final Jury Instructions. You should refer to and consider the Final Jury Instructions as you answer the questions in this Verdict Form.

As used herein, the following terms have the following meanings:

- “SB IP” refers to SB IP Holdings LLC.
- “Vivint” refers to Vivint, Inc.
- The “’478 patent” refers to U.S. Patent No. 9,485,478.
- The “’120 patent” refers to U.S. Patent No. 10,674,120.
- The phrase “Asserted Claims” refers collectively to Claims 10 and 16 of the ’478 patent;
and Claim 16 of the ’120 patent.

IT IS VERY IMPORTANT THAT YOU FOLLOW THE
INSTRUCTIONS PROVIDED IN THIS VERDICT FORM.

READ THEM CAREFULLY AND
ENSURE YOUR VERDICT COMPLIES WITH THEM.

We, the Jury, find as follows:

QUESTION 1: INFRINGEMENT

Has SB IP proven, by a preponderance of the evidence, that Vivint infringed **ANY** of the Asserted Claims of the following patents?

Answer "Yes" or "No" for each claim below.

*"Yes" is a finding for **SB IP**. "No" is a finding for **Vivint**.*

'478 Patent

Claim 10: YES: ✓ NO: _____

Claim 16: YES: ✓ NO: _____

'120 Patent

Claim 16: YES: ✓ NO: _____

If you answered "NO" to every claim above, please proceed to Question 3.

Otherwise, please proceed to Question 2.

QUESTION 2: WILLFUL INFRINGEMENT (if applicable)

Did SB IP prove by a preponderance of the evidence that Vivint willfully infringed ANY of the Asserted Claims that you found were infringed?

Answer "Yes" or "No" for each patent found to be infringed in Question 1.

"Yes" is a finding for SB IP. "No" is a finding for Vivint.

'478 Patent: YES ✓ NO

'120 Patent: YES ✓ NO

Please proceed to the next question.

QUESTION 3: INVALIDITY

Did Vivint prove, by clear and convincing evidence, that the following claims of the asserted patents are invalid?

Answer "Yes" or "No" for each claim.

"Yes" is a finding for Vivint. "No" is a finding for SB IP.

'478 Patent

Claim 10: YES: _____ NO: ✓

Claim 16: YES: _____ NO: ✓

'120 Patent

Claim 16: YES: _____ NO: ✓

Please proceed to the next question.

QUESTION 4: PATENT INELIGIBILITY

This question relates to patent **eligibility** and is unrelated to Question 3: Invalidity. Did Vivint prove by clear and convincing evidence that, when taken individually or when taken as an ordered combination, the following claims involved **ONLY** technology which a person of ordinary skill in the art would have considered to be well-understood, routine, and conventional as of October 9, 2003?

Answer "Yes" or "No" for each claim.

*"Yes" is a finding for **Vivint**. "No" is a finding for **SB IP**.*

'478 Patent

Claim 10: YES: _____ NO: ✓

Claim 16: YES: _____ NO: ✓

'120 Patent

Claim 16: YES: _____ NO: ✓

If you answered “NO” to ALL of Question 1, or “YES” to ALL the Asserted Claims listed in Question 3, then do NOT answer Question 5.

Answer Question 5 ONLY as to any Asserted Claim that you have found BOTH to be infringed and not invalid.

QUESTION 5: DAMAGES (if applicable)

What sum of money, if any, paid in cash today, has SB IP proven by a preponderance of the evidence would compensate SB IP for its damages resulting from infringement from November 17, 2020 through October 9, 2023?

Answer in United States Dollars and Cents, if any:

'478 Patent: \$ 45,418,641.70

'120 Patent: \$ 45,418,641.70

Please answer separately for **each patent**. Do not increase or reduce your awarded amount for one patent because of your answer for the other patent. Do not speculate about what SB IP's ultimate recovery may or may not be. Any recovery will be determined by the Court when it applies the law to your answers at the time of judgment. Do not add any amount for interest on damages, if any.

Please proceed to the Final Page of the Verdict Form.

FINAL PAGE OF THE JURY VERDICT FORM

You have now reached the end of the Verdict Form and should review it to ensure it accurately reflects your unanimous determinations. The jury foreperson should then sign and date the Verdict Form in the spaces below. Once this is done, notify the Court Security Officer that you have reached a verdict. The jury foreperson should keep the Verdict Form and bring it when the jury is brought back into the courtroom.

Dated: 10/23/23 _____ Jury Foreperson: